

## **REMARKS**

Applicant does not agree with the Examiner's assessment of the claims. The Examiner claims that the distinguishing feature of claim 8, i.e., "... the outcoupling filter and the incoupling filter having a common continuous wavelength-selective reflecting structure operative for reflecting the first group from the incoming wavelength multiplex into a first direction and letting the second group pass in a passing direction, and also operative for reflecting the first group arriving from a second direction after having passed through the processing unit into the passing direction of the second group" is obvious for a person skilled in the art. The Examiner bases this assessment on the disclosure by U.S. Patent Publication No. US2004/0013355 A1 to Margalit.

Margalit discloses a device that uses two filters (the first filter RG1 and the second filter RG2). The Examiner concludes the analysis by saying that because "... these two of the first filter RG1 and the second filter RG2 were art-recognized equivalent [s] at the time the invention was made, there is a reasonable motivation that one of ordinary skill in the art would have found it obvious to substitute these filters for the outcoupling filter and the incoupling filter ...". The Examiner, however, fails to provide any substantiation of this assessment. There is nothing in Margalit's teaching that suggests using "the outcoupling filter and the incoupling filter having a common continuous wavelength-selective reflecting structure" rather than the two separate filters. There is no evidence provided by the Examiner of the use of such a common continuous wavelength-selective reflecting structure that would justify claiming that there exists this "art-recognized equivalency".

On the contrary, Margalit teaches away from using common reflecting structures. The description in first four lines of paragraph [0019] clearly requires setting parameters for each filter

independently. If there is only a common reflecting structure (i.e., one reflective structure in the device) this independence cannot be achieved. The benefit of using an independent setting of parameters for each of the filters is explained in the last three lines of paragraph [0048], paragraph [0057], as well as in paragraph [0058] of Margalit. Margalit clearly requires that the two filters are controlled independently as this provides the benefit of simplified tuning. Because with a common reflecting structure, the parameters of the incoupling filter and the outcoupling filter are the same parameters due to the use of the same reflecting structure (i.e., not set independently for the incoupling filter and outcoupling filter), one skilled in the art, after reading Margalit, would not be motivated to replace the two filters RG1 and RG2 with an outcoupling filter and an incoupling filter having a common continuous wavelength-selective reflecting structure as claimed in the present application. Based on the teaching of Margalit by departing from the independent setting of these parameters of the two filters, the benefits of Margalit's solution will be lost. Therefore, the Applicant believes that the present invention is not obvious.

In keeping with applicant's duty of candor, enclosed is Form PTO-1449 listing references that were cited in the corresponding International application. **The Rule (17)p fee of \$180.00 is enclosed.**

Petition is hereby made for a one-month extension of the period to respond to the outstanding Official Action to July 30, 2007. A check in the amount of \$120.00, as the Petition fee, is enclosed herewith. If there are any additional charges, or any overpayment, in connection with the filing of the amendment, the Commissioner is hereby authorized to charge any such deficiency, or credit any such overpayment, to Deposit Account No. 11-1145.

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.

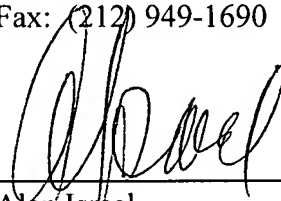
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A handwritten signature in black ink, appearing to read 'Alan Israel', is written over a horizontal line.

Alan Israel

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